

AARON D. FORD
Attorney General
CHARLES D HOPPER (Bar No. 6346)
Deputy Attorney General
State of Nevada
Office of the Attorney General
555 East Washington Ave., Ste. 3900
Las Vegas, NV 89101
(702) 486-3655 (phone)
(702) 486-3773 (fax)
Email: cdhopper@ag.nv.gov
Attorneys for Defendants
James Cox, James Dzurenda,
Dwight Neven, and Brian Williams

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

THAD AUBERT,

Plaintiff,

vs.

JAMES DZURENDA, *et al.*,

Defendants.

Case No. 2:18-cv-01329-GMN-EJY

**MOTION FOR ENLARGEMENT
OF TIME**

Defendants, Director James Dzurenda (Director Dzurenda), Warden Brian Williams (Warden Williams), Warden Dwight Neven (Warden Neven) and James Cox (Cox), by and through Aaron D. Ford, Attorney General for the State of Nevada, and Charles D Hopper, Deputy Attorney General, hereby file their Motion for Enlargement of Time.

MEMORANDUM OF POINTS AND AUTHORITIES

I. BACKGROUND

Plaintiff, Thad Aubert (Aubert) is an inmate incarcerated in the Nevada Department of Corrections (NDOC) and is currently housed at High Desert State Prison (HDSP).

On July 19, 2018, Aubert filed a Civil Rights Complaint Pursuant to 42 U.S.C. § 1983 (Complaint). (ECF No. 7).

1 On September 14, 2018, this Court filed its Screening Order in this matter. (ECF
2 No. 6). Pursuant to this Court's Screening Order, Aubert was allowed to proceed with one
3 count: Count II, alleging Eighth Amendment deliberate indifference to serious medical
4 needs. (ECF No. 6 at 14).

5 Pursuant to the Court's December 12, 2019 Order (ECF No. 62), parties have until
6 July 17, 2020 to file any motions for summary judgment. Defendants respectfully requests
7 that this Court grant an extension of sixty (60) days to file a motion for summary judgment,
8 as Charles D Hopper, Deputy Attorney General who is responsible for this matter, has been
9 on a medical leave.

10 **II. APPLICABLE LAW**

11 Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides as
12 follows:

13 When an act may or must be done within a specified time, the
14 court may, for good cause, extend the time: (A) with or without
15 motion or notice if the court acts, or if a request is made, before
16 the original time or its extension expires; or (B) on motion made
after the time has expired if the party failed to act because of
excusable neglect.

17 Any request to change deadlines established in the scheduling order must be
18 supported by a showing of good cause pursuant to Fed. R. Civ. P. 16(b)(4), which turns
19 primarily on a showing that the deadlines currently in place could not reasonably be met
20 despite the diligence of the movant. *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604,
21 609 (9th Cir. 1992).

22 **III. ARGUMENT**

23 There is good cause to extend deadline to file motions for summary judgment.
24 Defendants fully intend on filing a motion for summary judgment. However, Charles D
25 Hopper, Deputy Attorney General who is responsible for this matter, was on a medical
26 leave due to an illness. Because Mr. Hopper is the person most knowledgeable of this case,
27 he is the person most suitable to prepare a motion for summary judgment. The deadlines
28 currently in place cannot reasonably be met due to his illness. Accordingly, Defendants

1 respectfully request that this Court grant an extension of sixty (60) days to file a motion
2 for summary judgment.

3 **IV. CONCLUSION**

4 For the foregoing reasons, Defendants respectfully request that this Court grant an
5 extension of sixty (60) days to file a motion for summary judgment.

6 DATED this 17th day of July, 2020.

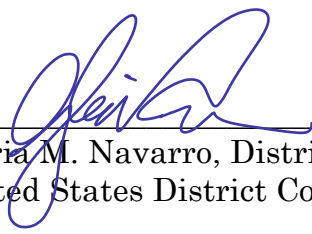
7 AARON D. FORD
8 Attorney General

9 By: /s/ Charles D Hopper
10 CHARLES D HOPPER (Bar No. 6346)
11 555 E. Washington Avenue, Ste. 3900
12 Las Vegas, NV 89101
13 Attorneys for NDOC Defendants

14 **ORDER**

15 **IT IS HEREBY ORDERED** that the above Motion to Enlarge Time to File
16 Motion for Summary Judgment, (ECF No. 91), is **GRANTED**. Defendants shall have
17 until September 15, 2020, to move for summary judgment.

18 DATED this 21 day of July, 2020.

19 
20 Gloria M. Navarro, District Judge
21 United States District Court
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Office of the Attorney General, and that on July 17, 2020, I electronically filed the foregoing, **MOTION FOR ENLARGEMENT OF TIME**, via this Court's electronic filing system. Parties who are registered with this Court's electronic filing system will be served electronically. For those parties not registered, service was made by depositing a copy for mailing in the United States Mail, first-class postage prepaid, at Las Vegas, Nevada, addressed to the following:

Thad Aubert #70566
Lovelock Correctional Center
1200 Prison Rd.
Lovelock, NV 89419
Plaintiff, Pro Se

/s/Yolonda Laster
An employee of the Office of the
Nevada Attorney General